

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AKIL TEVA WHITAKER, et al.,

Plaintiffs,

v.

ALAMEDA COUNTY, et al.,

Defendants.

Case No. [12-cv-05923-JD](#)

**ORDER TO SHOW CAUSE RE
DISMISSAL**

On August 1, 2014, the Court issued an Order to Show Cause to plaintiffs' counsel, M. Aliou Iscandari, after he failed to appear at two case management conferences -- on June 26, 2014, and again on July 31, 2014. *See* Dkt. No. 43. Mr. Iscandari was ordered to appear on August 13, 2014 at 2:00 p.m. in person, accompanied by plaintiffs, to show cause why he failed to appear at the prior conferences. Mr. Iscandari was also ordered to provide a written response to the Order to Show Cause. *See id.* Mr. Iscandari was informed that his continued failure to appear at court hearings or otherwise prosecute this case may result in dismissal. *Id.*

Mr. Iscandari again failed to appear and failed to file a written response. Before the August 13, 2014 conference, the Court took the extra precaution of having the Courtroom Deputy call Mr. Iscandari using the telephone number listed on the Court's electronic case filing system. That number is not valid for him. The Courtroom Deputy also emailed Mr. Iscandari before the August 13 conference, using the email address listed on the Court's electronic case filing system. The email went through and was not returned as undeliverable, but Mr. Iscandari did not respond.

This case has languished from Mr. Iscandari's failure to act, and he has repeatedly flouted Court orders directing him to appear and explain his general inaction. While the Court is aware that Mr. Iscandari has experienced serious health problems, his duty to his clients and to the Court

1 require that he handle this matter in a professional manner or withdraw from representation for
2 health reasons. This case was filed in 2012 and will not be allowed to continue to molder on the
3 docket. Mr. Iscandari will have one last chance to show good cause for why he has failed to
4 appear for prior conferences and why this case is not moving forward. The hearing on this order is
5 set for August 27, 2014 at 1:30 p.m. The Court sets another case management conference for that
6 same time. Mr. Iscandari is ordered to appear in person at the hearing accompanied by his clients,
7 Mr. Whitaker and Ms. Varlack, and to provide a written explanation in advance of the hearing.

8 **AN UNEXCUSED ABSENCE FROM THE AUGUST 27, 2014 HEARING WILL**
9 **RESULT IN DISMISSAL OF THIS ACTION.**

10 **IT IS SO ORDERED.**

11 Dated: August 14, 2014

12 
13 _____
14 JAMES DONATO
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27
28